

## COPY OF PAPERS ORIGINALLY FILED

PTO/SB/21 (08-00)

#### Approval for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/053,103 **Application Number** Jan 17, 2002 **TRANSMITTAL** Filing Date Lockhart, Peter **FORM** First Named Inventor Group Art Unit (to be used for all correspondence after initial filing) **Examiner Name** 163P008 Attorney Docket Number Total Number of Pages in This Submission ENCLOSURES (check all that apply) After Allowance Communication Assignment Papers Fee Transmittal Form $\mathbf{H}$ (for an Application) Appeal Communication to Board of Appeals and Interferences Drawing(s) Fee Attached Appeal Communication to Group Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Amendment / Reply Proprietary Information Petition After Final Petition to Convert to a Status Letter Affidavits/declaration(s) Provisional Application Other Enclosure(s) (please Power of Attorney, Revocation Extension of Time Request Change of Correspondence Address identify below): Terminal Disclaimer **Express Abandonment Request** Request for Refund Information Disclosure Statement Certified Copy of Priority CD, Number of CD(s) Document(s) check in the amount of \$105 to cover fee for missing part and assignment filing; Remarks assignment transmittal, a postcard and Notice to File Missing Parts Transmittal Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT George R. McGuire Firm HANČOCK & ESTABROOK, LLP Individual name Signature April 8, 2002 Date CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: April 8, 2002 Typed or printed name Date April 8, 2002 Signature Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the

Burden Hour Statement. This form is estimated to take 0.2 hours of complete. Time will vary depending upon the needs of the individual case. Any commence of th

PTO/SB/17 (11-00)
Approved for use through 10/31/2002 OMB 0651-0032
U.S. Patent and Trademark office: U.S. DEPARTMENT OF COMMERCE
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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

| TOTAL AMOUNT OF PAYMENT | (\$) |
|-------------------------|------|

| Complete if Клоwп    |                 |  |  |  |
|----------------------|-----------------|--|--|--|
| Application Number   | 10/053,103      |  |  |  |
| Filing Date          | 1/17/2002       |  |  |  |
| First Named Inventor | Lockhart et al. |  |  |  |
| Examiner Name        |                 |  |  |  |
| Group Art Unit       |                 |  |  |  |
| Attorney Docket No.  | 163P008         |  |  |  |

| METHOD OF PAYMENT                                                                                | FEE CALCULATION (continued)    |             |             |                       |                                                           |          |
|--------------------------------------------------------------------------------------------------|--------------------------------|-------------|-------------|-----------------------|-----------------------------------------------------------|----------|
| The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:    | 3. ADDITIONAL FEES Large Small |             |             |                       |                                                           |          |
| Deposit 50-0576                                                                                  | Fee<br>Code                    | Fee<br>(\$) | Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description                                           | Fee Paid |
| Number Deposit Account                                                                           | 105                            | 130         | 205         |                       | Surcharge - late fling fee or oath                        | 65.00    |
| Name Charge Any Additional Fee Required Under 37 CFR 1 16 and 1.17                               | 127                            | 50          | 227         | 25                    | Surcharge - late provisional filing fee or cover sheet    |          |
| Applicant claims small entity status. See 37 CFR 1 27                                            | 139                            | 130         | 139         | 130                   | Non-English specification                                 |          |
| 2. X Payment Enclosed:                                                                           | 147                            | 2,520       | 147         | 2,520                 | For filing a request for ex parte reexamination           |          |
| X Check Credit card Money Other                                                                  | 112                            | 920*        | 112         | 920*                  | Requesting publication of SIR prior to<br>Examiner action |          |
| FEE CALCULATION                                                                                  | 113                            | 1,840*      | 113         | 1,840*                | Requesting publication of SIR after<br>Examiner action    |          |
| 1. BASIC FILING FEE                                                                              | 115                            | 110         | 215         | 55                    | Extension for reply within first month                    |          |
| Large Entity Small Entity                                                                        | 116                            | 400         | 216         | 200                   | Extension for reply within second month                   |          |
| Fee Fee Fee Fee Description                                                                      | 117                            | 920         | 217         | 460                   | Extension for reply within third month                    |          |
| Code (\$) Code (\$)<br>101 740 201 370 Utility filing fee                                        | 118                            | 1,440       | 218         | 720                   | Extension for reply within fourth month                   |          |
| 106 330 206 165 Design filing fee                                                                | 128                            | 1,960       | 228         | 980                   | Extension for reply within fifth month                    |          |
| 107 510 207 255 Plant filing fee                                                                 | 119                            | 320         | 219         | 160                   | Notice of Appeal                                          |          |
| 108 740 208 370 Reissue filing                                                                   | 120                            | 320         | 220         | 160                   | Filing a brief in support of an appeal                    |          |
| 114 160 214 80 Provisional filing                                                                | 121                            | 280         | 221         | 140                   | Request for oral hearing                                  |          |
|                                                                                                  | 138                            | 1,510       | 138         | 1,510                 | Petition to institute a public use proceeding             |          |
| SUBTOTAL (\$)                                                                                    | 140                            | 110         | 240         | 55                    | Petition to revive - unavoidable                          |          |
| 2. EXTRA CLAIM FEES                                                                              | 141                            | 1,280       | 241         | 640                   | Petition to revive - unintentional                        |          |
| Fee from                                                                                         | 142                            | 1,280       | 242         | 640                   | Utility issue fee (or reissue)                            | L        |
| Total Claims below Fee Paid    Claims   Claims   Fee Paid                                        | 143                            | 460         | 243         |                       | Design issue fee                                          |          |
| Independent 3 X = X                                                                              | 144                            | 620         | 244         | 310                   | Plant issue fee                                           |          |
| Multiple Dependent =                                                                             | 122                            | 130         | 122         | 130                   | Petitions to the Commissioner                             |          |
|                                                                                                  | 123                            | 50          | 123         | 50                    | Processing fee under 37 CFR 1.17(q)                       | 1 1      |
| Large Entity Small Entity Fee Fee Fee Fee Fee Description                                        | 126                            | 180         | 126         | 180                   | Submission of Information Disclosure Stmt                 |          |
| Code (\$) Code (\$)                                                                              | 581                            | 40          | 581         |                       | Recording each patent assignment per                      | 40.00    |
| 103 18 203 9 Claims in excess of 20<br>102 84 202 42 Independent claims in excess of 3           | 146                            | 740         | 246         | 370                   | Filing a submission after final rejection                 |          |
| 104 280 204 140 Multiple dependent claim, if not paid                                            | 149                            | 740         | 249         | 370                   | For each additional invention to be                       |          |
| 109 84 209 42 "Reissue independent claims over original patent                                   | 179                            | 740         | 279         | 370                   | Request for Continued Examination (RCE)                   |          |
| 110 18 210 9 "Reissue claims in excess of 20 and over original patent                            | 169                            | 900         | 169         | 900                   | Request for expedited examination of a design application |          |
| SUBTOTAL (2) (\$)                                                                                |                                | fee (sp     |             |                       |                                                           |          |
| **or number previously paid, if greater; For Reissues, see above (3)**  SUBTOTAL (2) ((\$)105.00 |                                |             |             |                       |                                                           |          |

| SUBMITTED BY Complete (if applicable) |                  |                                  |         |           |              |  |
|---------------------------------------|------------------|----------------------------------|---------|-----------|--------------|--|
| Name (Print/Type)                     | George R McGuire | Registration No (Attorney/Agent) | 36603   | Telephone | 315-471-3151 |  |
|                                       | 1                | (Allamey)Agenty                  | <u></u> | Date      | 4/5/5        |  |
| Signature                             |                  |                                  |         |           |              |  |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lockhart et al.

application No.: 10/053,103

le: Erythema Measuring Device

Attorney Docket No.: 163P008

Group Art Unit:

1619

Filed: 1/17/2002

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Assistant Commissioner for Patents Washington, D.C. 20231

#### **NOTICE OF INCOMPLETE REPLY**

Sir:

Enclosed herewith please find:

- sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.
- X Copy of Notice of Missing Parts of Nonprovisional application including the executed declaration which was filed on April 8, 2002. Copy of the transmittal, copy of the fee transmittal, copy of assignment, copy of assignment transmittal, copy of postcard (received from the PTO) and a copy submitted with the Notice of Missing Parts
- X Notice of Incomplete Reply

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

Respectfully Submitted,

George R. McGuire

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to. Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit. May 16, 2002

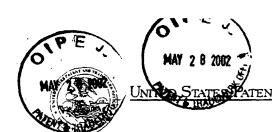
Typed Name: Ann R. Miller

Attorney/Agent for Applicant(s)

Reg. No. 36,603

Date: May 16, 2002

Telephone No.: 315-471-3151



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TENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/053,103

01/17/2002

Peter Lockhart

163P008

**CONFIRMATION NO. 1786** 

FORMALITIES LETTER

\*OC00000007528680\*

HANCOCK & ESTABROOK, LLP 1500 MONY Tower I PO Box 4976 Syracuse, NY 13221-4976

Date Mailed: 02/25/2002

#### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice <u>MUST</u> be returned with the reply.

MT Bezone

Customer Service Center Initial Patent Examination Division (703) 308-1202 PART 1 - ATTORNEY/APPLICANT COPY